

EXHIBIT D

Supreme Court of the State of New York
Appellate Division: Second Judicial Department

HBL SNF, LLC, et al.

v.

White Plains Healthcare Properties I, LLC, et al.

ORDER TO SHOW CAUSE

Appellate Division Docket No.:

2021-04743

Upon the annexed affidavit of John Giardino, Esq., dated June 22
2021, and the papers annexed thereto,

LET White Plains Healthcare Properties I, LLC and Metropolitan Commercial Bank **SHOW CAUSE BEFORE THIS COURT**, at the courthouse thereof, located at 45 Monroe Place, Brooklyn, New York, 11201, on the 9th day of July, 2021, at 9:30 o'clock in the forenoon of that date or as soon thereafter as counsel may be heard, why an order should not be made and entered:

1. Preliminarily enjoining Defendants and their agents during the pendency of this action from auctioning or otherwise selling the majority ownership interest in a nursing home facility to which White Plains has no relationship whatsoever.
2. Restraining Epic from making any transfers out of the rent security account.
3. Granting leave to appeal from the order to show cause dated June 30, 2021.
34. Granting such other and further relief as to the court may seem just and equitable.

SUFFICIENT CAUSE THEREFOR APPEARING, it is

ORDERED that pending the hearing and determination of this motion ~~Defendants HBL SNF, LLC et al. are temporarily enjoined and restrained from auctioning or selling the majority ownership interest in the nursing home facility; and any transfers out of the rent security account~~

~~are stayed~~; and it is further,

ORDERED that service of a copy of this order to show cause and the papers upon which it was made upon counsel for plaintiff and MCB by

- ☐ ~~personal delivery pursuant to CPLR 2103(b)(1)~~
☐ ~~office delivery pursuant to CPLR 2103(b)(3)~~
☐ ~~overnight delivery service pursuant to CPLR 2103(b)(6)~~
☒ electronic mail delivery

on or before July 1, 2021, shall be deemed sufficient service thereof.

Dated: Brooklyn, New York
July 1, 2021

Francesca E. Connolly

Hon. Francesca E. Connolly, Associate Justice
 Appellate Division: 2nd Department

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Confirmation Notice

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White Plains Healthcare Properties I, LLC v. HBL SNF, LLC et al

Documents Received on 07/06/2021 02:59 PM

Doc #	Document Type
3	ORDER TO SHOW CAUSE

Filing User

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E-mail Notifications

An email regarding this filing has been sent to the following on 07/06/2021 02:59 PM:

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Email Notifications NOT Sent

Role	Party	Attorney
Respondent	METROPOLITAN COMMERCIAL BANK	No consent on record.
Respondent	CCC EQUITIES, LLC	No consent on record.
Respondent	PROJECT EQUITY CONSUL TING	No consent on record.
Respondent	THE CONGRESS COMPANIES	No consent on record.
Respondent	HOWARD FENSTERMAN	No consent on record.
Respondent	WILLIAM NICHOLSON	No consent on record.

* Court rules require hard copy service upon non-participating parties and attorneys who have opted-out or declined consent.

Aprilanne Agostino, Clerk of the Court
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